

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, APRIL 14, 1987

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING April 14 A.D., 19 <sup>87</sup>,  
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND  
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING  
MEMBERS VIZ:

BRADBURY l, BURNS l, EISBART l,  
GiaQUINTA l, HENRY l, REDD l,  
SCHMIDT l, STIER l, TALARICO l,

**ABSENT:**

**COUNCILMAN:** \_\_\_\_\_

THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR      March 24      , 19 87

19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED  
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its

Regular Session, held on Tuesday  
the 14th day of April, 1987,

that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

SANDRA E. KENNEDY, CITY CLERK

COMMUNICATIONS FROM THE MAYOR

March 26, 1987

To the Common Council  
Gentlemen and Mrs. Bradbury:

Today, March 26, 1987, I have approved the following ordinances and resolutions passed by the Common Council at this meeting of March 24, 1987

(Bill No. S-87-03-01)  
SPECIAL ORDINANCE NO. S-47-87

AN ORDINANCE approving Civil City Purchase Order #A-50240, between the City of Fort Wayne, Indiana, with the Elliott Equipment Company for the Traffic Engineering Department

(Bill No. S-87-03-02)  
SPECIAL ORDINANCE NO. S-48-87

AN ORDINANCE approving Civil City Purchase Orders #A-50236, #A-50237 and #A-50238, between the City of Fort Wayne, Indiana, with Martin Enterprises, Ron Lunz, Inc., and Jackson Wrecking, respectively, for the Department of Safe Housing and Building Standards

(Bill No. S-87-03-03)  
SPECIAL ORDINANCE NO. S-49-87

AN ORDINANCE approving Civil City Purchase Order #A-50235 by the City of Fort Wayne, Indiana, with the Fire Hydraulics Company, for the Fire Department

(Bill No. S-87-03-04)  
SPECIAL ORDINANCE NO. S-50-87

AN ORDINANCE approving the Lease of a Copy Machine, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with the Xerox Corporation for the Department of Community Development and Planning

(Bill No. R-87-03-05)  
RESOLUTION NO. R-15-87

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, authorizing the City to acquire real estate

(Bill No. R-87-03-18)  
RESOLUTION NO. R-16-87

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1987

(Bill No. R-87-03-19)  
DECLARATORY RESOLUTION NO. R-17-87

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Summit Industrial Park, Fort Wayne, Indiana. (Cadillac Coffee Company, Petitioner)

(Bill No. R-87-03-21)  
DECLARATORY RESOLUTION R-18-87

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 5120 Investment Drive, Fort Wayne, Indiana 46898. (Power Wheels, Inc., Petitioner)

(Bill No. Z-86-11-24)  
ZONING MAP ORDINANCE NO. Z-02-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-34

(Bill No. Z-87-02-23)  
ZONING MAP ORDINANCE NO. Z-03-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-27

(Bill No. S-87-03-06)  
SPECIAL ORDINANCE NO. S-51-87

AN ORDINANCE approving the Contract for Res. 6067-86 - Sidewalks and Curbs, Third Street, 1986 Bond Issue - Phase II, between Tomco Construction Co., Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-03-07)  
SPECIAL ORDINANCE NO. S-52-87

AN ORDINANCE approving the Contract for Res. 443-87, Southwood Park Area Drainage Improvement, between Land Excavating, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-03-08)  
SPECIAL ORDINANCE NO. S-53-87

AN ORDINANCE approving the Contract for Res. 437-86, Liberty Drive Storm Sewer, between Bercot, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-03-09)  
SPECIAL ORDINANCE NO. S-54-87

AN ORDINANCE approving Change Order No. 4 for Contract 85-W-3, GM Elev. Storage Tank, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-03-10)  
SPECIAL ORDINANCE NO. S-55-87

AN ORDINANCE approving Change Order No. 2 for Woodhurst-Belmont Phase I, Res. 417-85, with All Star Construction, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-03-11)  
SPECIAL ORDINANCE NO. S-56-87

AN ORDINANCE approving Change Order No. 1 (Final) for Contract 86-XP-4, Wallen-Coldwater Roads Off Site Main Extension, with Scheidleman Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. S-87-03-12)  
SPECIAL ORDINANCE NO. S-57-87

AN ORDINANCE approving the Contract for Res. 438-86 - Rolling Rose Neighborhood Drainage Improvements, between Bercot, Inc., and City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

(Bill No. S-87-03-13)  
SPECIAL ORDINANCE NO. S-58-87

AN ORDINANCE approving the Contract for Res. 436-86 -  
Pursley-Burns-Hollis Storm Sewer, between Bercot, Inc., and the  
City of Fort Wayne, Indiana, in connection with the Board of  
Public Works and Safety

(Bill No. R-87-03-14)  
RESOLUTION NO. R-14-87

A RESOLUTION HONORING NORTHROP HIGH SCHOOL LADY BRUINS

Respectfully yours,



Win Moses, Jr.  
Mayor



# The City of Fort Wayne

LAND USE MANAGEMENT  
Division of Community Development & Planning

16 March 1987

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

BILL NO. G-87-02-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
16th day of March 1987.

Robert Hutner  
Secretary

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

# Division of Community Development & Planning

| BRIEF TITLE  | APPROVAL DEADLINE | REASON   |  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
|--|-------------------|--|--|--|-----------|-----------------|--|--|---------|----------------------|---|--|---------------|-----------|--|--|--|-------------|---|--|-----------------------|---|--|--|-----------|--|---|--|----------------------|--|--|--|------------------------------------|--|---|--|--|--|---|--|--|--|---|--|--|--|
| Alley Vacation Ordinance   |                   |  |  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
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| <b>Specific Location and/or Address</b><br>N/S alley between Harrison, Webster, W. Washington & W. Jefferson   |                   | Sponsor  | City Plan Commission   |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
| <b>Reason for Project</b><br>To allow for the relocation of the McDonalds Restaurant.  |                   | Area Affected                                  | City Wide  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
|  |                   |  | Other Areas  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
| <b>Discussion (Including relationship to other Council actions)</b><br><u>23 February 1987 - Public Hearing</u>  |                   | Applicants/Proponents                          | <b>Applicant(s)</b><br>McDonalds Corporation<br>Cassady Realty Company<br><b>City Department</b><br><br>Other  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |
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| Jess Yoder questioned the recommendation of  |                   |  |  |  |           |                 |  |  |         |                      |   |  |               |           |  |  |  |             |   |  |                       |   |  |  |           |  |   |  |                      |  |  |  |                                    |  |   |  |  |  |   |  |  |  |   |  |  |  |

**DETAILS**

internal landscaping and screening along with the requirements of the Z-10 ordinance

V.C. Seth stated that this being in the downtown area they felt this requirement necessary for the aesthetic quality of the downtown area. He stated they have placed the same type of requirements on the L.S. Ayres parking lot.

Jess Yoder questioned if there would be additional access from West Washington.

Mr. Bomberger stated there would be and they would seek permits for each access.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

2 March 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing utility easements as required; require internal parking lot landscaping and screening along the street frontages in addition to Z-10 requirements for any parking lot developed with this project; and require CD&P staff to review and approve screening and landscaping. Motion carried.

Of the eight members present 7 voted in favor of approval one (1) did not vote.

NOTE: Petitioner has agreed to conditions

**POLICY/PROGRAM IMPACT**

|                                      |                             |                              |
|--------------------------------------|-----------------------------|------------------------------|
| <b>Policy or Program Change</b>      | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| <b>Operational Impact Assessment</b> |                             |                              |

(This space for further discussion)

and a landscape plan is on file in the Plan Commission Office.

**Project Start**

**Date** 15 January 1987

**Projected Completion or Occupancy**

**Date** 16 March 1987

**Fact Sheet Prepared by**

**Date** 16 March 1987

Patricia Biancaniello

**Reviewed by**

**Date**

*Gary Burtin*  
Reference or Case Number

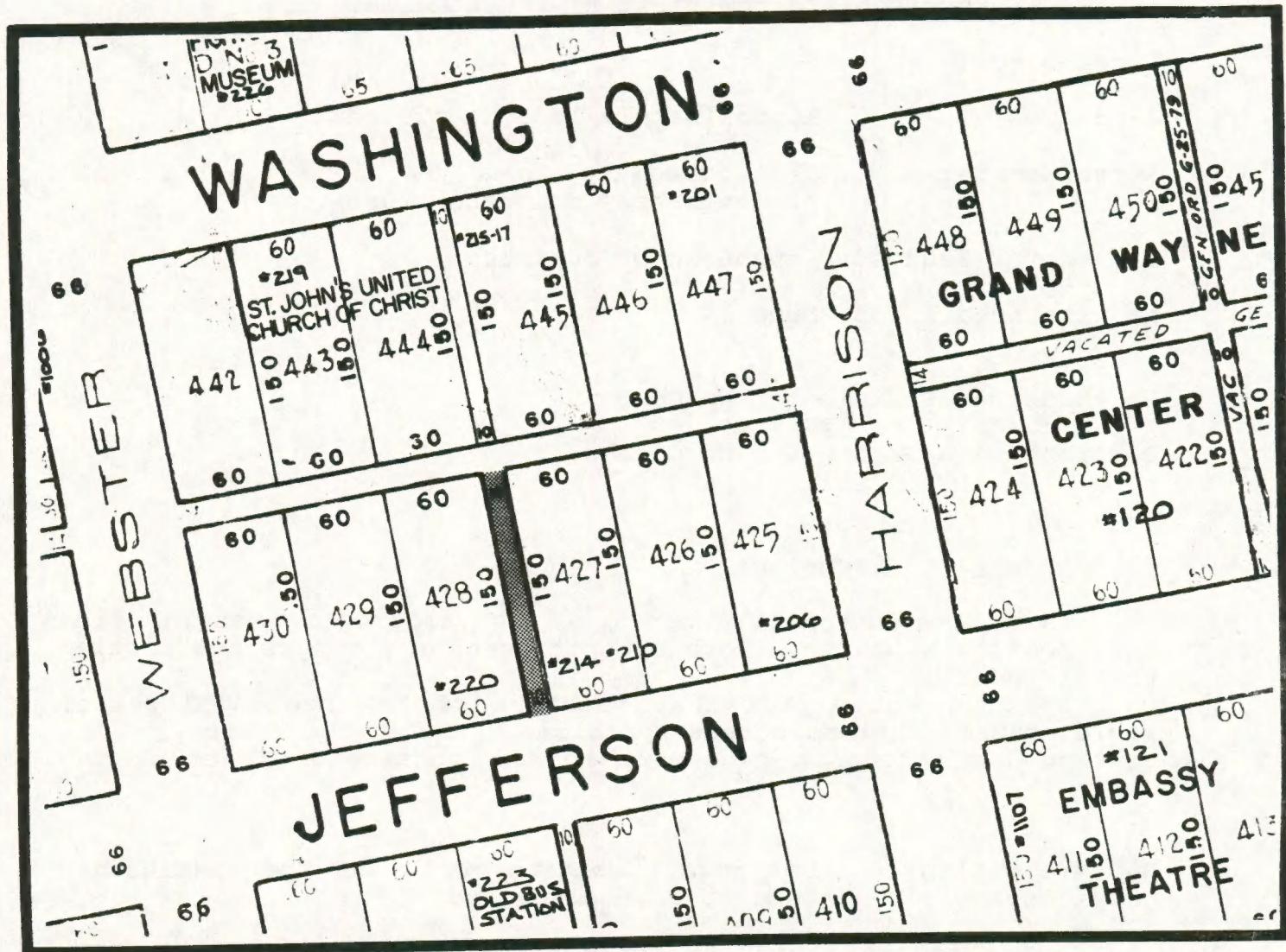
*3/26/87*

# VACATION PETITION #274

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. M-6

COUNCILMANIC DISTRICT NO. 1



SCALE: 1"=100'

DATE: 1-29-87

N  
L.W.

Vacation Petition # 246

Jon Bomberger, attorney for McDonalds Corporation requests the vacation of a portion of a public alley.

Location: North-South alley, north from Jefferson, west of Harrison, to the first East-West alley.

Legal Desc.: See file

Land Area: Approximately 1500 Square Feet

Surroundings: The immediate area is zoned B-3-A with predominately commercial uses.

Reason for Request: Expansion of business.

Neighborhood Assoc: None

Neighborhood Planning: No Comment

Comprehensive Plan: No Comment

Planning Staff Discussion:

This area has mainly commercial developments, ranging from fast food to a church. Both abutting property owners are parties to this petition.

It does not appear that vacation of the requested parcel would cause ingress/egress problems for anyone, nor is its continued maintenance necessary to the continued growth of the City.

Recommendation: Do pass, contingent upon the petitioner providing utility easements as needed, and:

1) Require internal parking lot landscaping and screening along the street frontages in addition to Z-10 requirements for any parking lots developed with this project. Require C.D.& P. staff to review and approve screening and landscaping.

2) We suggest the removal of existing off-premise signs from the site.

Reasons:

1) Vacation will not adversely impact abutting uses.

2) Continued maintenance is not necessary to the future growth of the City.

Resolution 77-69-18

WHEREAS, McDONALDS CORPORATION AND CASSADY REALTY COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley in Fort Wayne, Allen County, to-wit:

A 10 foot wide alley in Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, which lies between Lots Numbered 427 and 428 in said Hanna's Addition, said alley being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Lot Number 427; thence Northerly, on and along the West line of said Lot Number 427, a distance of 150.0 feet to the Northwest corner thereof; thence Westerly, by a deflection angle left of 89 degrees 58 minutes, a distance of 10.0 feet to the Northeast corner of said Lot Number 428; thence Southerly, by a deflection angle left of 90 degrees 02 minutes, on and along the East line of said Lot Number 428, a distance of 150.0 feet to the Southeast corner thereof; thence Easterly, on and along the Northerly right-of-way line of Jefferson Street, a distance of 10.0 feet to the point of beginning, containing 1500 square feet, subject to all easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

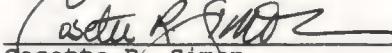
STATE OF INDIANA)  
) SS:  
COUNTY OF ALLEN )

I, Baron R. Bredenbury, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 18, 1987 and as same appears of record in the official records of the Board of Public Works

DATED THIS 11 DAY OF January, 1987

FORT WAYNE BOARD OF PUBLIC WORKS

  
Baron R. Biedenweg  
Director of Public Works

  
Cosette R. Simon  
Director of Administration & Finance

  
Lawrence D. Consalvos  
Director of Public Safety

RESOLUTION

WHEREAS, McDONALDS CORPROATION AND CASSADY REALTY COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public alley in Fort Wayne, Allen County, to-wit:

A 10 foot wide alley in Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, which lies between Lots Numbered 427 and 428 in said Hanna's Addition, said alley being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Lot Number 427; thence Northerly, on and along the West line of said Lot Number 427, a distance of 150.0 feet to the Northwest corner thereof; thence Westerly, by a deflection angle left of 89 degrees 58 minutes, a distance of 10.0 feet to the Northeast corner of said Lot Number 428; thence Southerly, by a deflection angle left of 90 degrees 02 minutes, on and along the East line of said Lot Number 428, a distance of 150.0 feet to the Southeast corner thereof; thence Easterly, on and along the Northerly right-of-way line of Jefferson Street, a distance of 10.0 feet to the point of beginning, containing 1500 square feet, subject to all easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 23, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

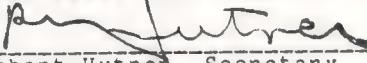
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public alley in Allen County, Indiana.

STATE OF INDIANA)  
) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 2 March 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 16 DAY OF March 1987

FORT WAYNE CITY PLAN COMMISSION

  
Robert Hutner, Secretary



# The City of Fort Wayne

LAND USE MANAGEMENT  
Division of Community Development & Planning

23 March 1987

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-87-02-26

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
23rd day of March 1987.



Robert Hutner  
Secretary

# Division of Community Development & Planning

| BRIEF TITLE  | APPROVAL DEADLINE  | REASON  |   |  |         |                 |                      |  |   |  |   |  |
|--|--|---------|---|--|---------|-----------------|----------------------|--|---|--|---|--|
| Zoning Ordinance Amendment<br>From R-1 to B-3-B  |  |         |   |  |         |                 |                      |  |   |  |   |  |
| <b>DETAILS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <b>Specific Location and/or Address</b><br/><br/>           5300 Illinois Road         </td> <td style="width: 50%; padding: 5px;"> <b>POSITIONS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Sponsor</td> <td style="width: 50%; padding: 5px;">RECOMMENDATIONS</td> </tr> <tr> <td colspan="2" style="padding: 5px;">City Plan Commission</td> </tr> </table> </td> </tr> <tr> <td colspan="2"> <b>Reason for Project</b><br/><br/>           To establish a car dealership.         </td> </tr> <tr> <td colspan="2"> <b>Discussion (Including relationship to other Council actions)</b><br/><br/> <u>23 February 1987 - Public Hearing</u><br/><br/>           Vince Heiny, attorney representing Chrysler Realty Corp the petitioners stated that Chrysler has an option to buy this property on Illinois Road. He stated that they are requesting the B-3-B because they have reservations about relying on a B-1-B zoning with a Use Variance from the Board of Zoning Appeals. He stated the reservations are due to the size of the dealership and the large investment involved. He stated that directly across the street from this property are two auto dealerships and directly to the west is a B-1-B property which is an eye clinic, directly to the east is Ewing Nursery, which was recently zoned B-1-B. He stated that approximately 500 feet west is property zoned for an "auto mall" on the north side of Illinois and O'Daniel's Oldsmobile is approximately 600 feet to the west on the south side of Illinois. He stated they had reviewed staff comments and recommendations and no objections to them.         </td> </tr> </table> |  |         | <b>Specific Location and/or Address</b><br><br>5300 Illinois Road | <b>POSITIONS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Sponsor</td> <td style="width: 50%; padding: 5px;">RECOMMENDATIONS</td> </tr> <tr> <td colspan="2" style="padding: 5px;">City Plan Commission</td> </tr> </table> | Sponsor | RECOMMENDATIONS | City Plan Commission |  | <b>Reason for Project</b><br><br>To establish a car dealership. |  | <b>Discussion (Including relationship to other Council actions)</b><br><br><u>23 February 1987 - Public Hearing</u><br><br>Vince Heiny, attorney representing Chrysler Realty Corp the petitioners stated that Chrysler has an option to buy this property on Illinois Road. He stated that they are requesting the B-3-B because they have reservations about relying on a B-1-B zoning with a Use Variance from the Board of Zoning Appeals. He stated the reservations are due to the size of the dealership and the large investment involved. He stated that directly across the street from this property are two auto dealerships and directly to the west is a B-1-B property which is an eye clinic, directly to the east is Ewing Nursery, which was recently zoned B-1-B. He stated that approximately 500 feet west is property zoned for an "auto mall" on the north side of Illinois and O'Daniel's Oldsmobile is approximately 600 feet to the west on the south side of Illinois. He stated they had reviewed staff comments and recommendations and no objections to them. |  |
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| City Plan Commission   |  |         |   |  |         |                 |                      |  |   |  |   |  |
| <b>Reason for Project</b><br><br>To establish a car dealership.  |  |         |   |  |         |                 |                      |  |   |  |   |  |
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| **POSITIONS**  |  |   | |--|---| | Sponsor  | RECOMMENDATIONS   | | City Plan Commission   |   | | Area Affected  | City Wide   | | Other Areas  |   | | Applicants/<br>Proponents  | Applicant(s)  | | Ewing-Adams, Inc.<br>Hunter Properties, Inc.<br><b>City Department</b> |   | | Other  |   | | Opponents  | Groups or Individuals   | | Basis of Opposition  |   | | Staff<br>Recommendation  | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against<br><br><b>Reason Against</b>   | | Board or<br>Commission<br>Recommendation                               | <b>By</b><br><br><input checked="" type="checkbox"/> For <input type="checkbox"/> Against<br><input type="checkbox"/> No Action Taken<br><input type="checkbox"/> For with revisions to condition<br>(See Details column for condition) | | CITY COUNCIL<br>ACTIONS<br>(For Council<br>use only)                   | <input type="checkbox"/> Pass <input type="checkbox"/> Other<br><input type="checkbox"/> Pass (as<br>amended) <input type="checkbox"/> Hold<br><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass               | | | |

**DETAILS**

Jess Yoder questioned if the Lawyer Drain crossed this project.

Mr. Zorb Tazian, engineer, stated that it does on part of the east and south end of the property.

Mr. Yoder questioned if it were currently unimproved.

Mr. Tazian stated that it was.

Mr. Yoder questioned if they had met with Water Pollution Control on the proposed project.

Mr. Tazian stated they have discussed the drain over all, since they have been involved in 4 or 5 projects and they are aware of the Lawrence Drain situation and the problems. He stated however they do not have specifics on what they can do with this particular project. Mr. Tazian stated they have agreed to participate in the cost of the upgrading of the Lawrence Drain.

Edith Kenna questioned if the 40 foot right-of-way easement had been dealt with and when it would come into effect.

V.C. Seth stated that it has already been dealt with. He stated it will come into effect when the properties on either side are developed, but the easement is dedicated for the frontage road at this time.

Steve Smith questioned how this property

**Project Start** **Date** 1/16/87

**Projected Completion or Occupancy** **Date** 3/23/87

**Fact Sheet Prepared by** **Date** 3/23/87

Patricia Biancaniello

**Reviewed by**

*Sue Barten*  
Reference or Case Number

**POLICY/PROGRAM IMPACT**

|                                      |                             |                              |
|--------------------------------------|-----------------------------|------------------------------|
| <b>Policy or Program Change</b>      | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
|                                      |                             |                              |
|                                      |                             |                              |
| <b>Operational Impact Assessment</b> |                             |                              |

**(This space for further discussion)**

would handle its water runoff since the staff comments did not speak to the problem.

Wayne O'Brien stated that the actual site development will be handled through the commercial routing process. He stated they are requesting or requiring participation in the cost of improvements to the Lawrence Drain. He stated that if because of the geometric layout for the actual site development there is a surface water problem that would be addressed in the routing procedure by Water Pollution Control Engineering.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

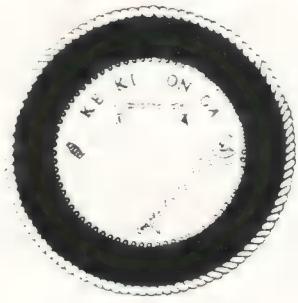
**2 March 1987 - Business Meeting**

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation subject to the attached conditions.

Of the 8 members present 7 voted in favor of approval one (1) did not vote.

**NOTE:** The attached conditions have been satisfied by a recordable document that has been approved by the Plan Commission attorney and signed by the petitioners.

*3/26/87*



# The City of Fort Wayne

March 3, 1987

Mr. Vincent Heiny  
2000 Fort Wayne National Bank Bldg.  
Fort Wayne, Indiana 46802

RE: Bill #Z-87-02-26 (Illinois Road)

Dear Mr. Heiny:

The Fort Wayne Plan Commission reviewed the above referenced petition at their March 2, 1987 business meeting. It was their recommendation to 'Conditionally Approve' the petition, contingent upon the following:

1. This rezoning petition not exceed a depth of 498 feet from the centerline of Illinois Road (A revised legal description will be required).
2. Provide a 30 foot landscape screen along those lot lines that abut residential districts, excluding the south line of the perfected petition, as the parcel south of the south line will be used for vehicle parking, subject to BZA approvals.
3. The landscape screen shall be approved by CD&P prior to issuance of building permit. Such landscape screen must be implemented within one planting season after the issuance of the occupancy permit.
4. Improve Lawrence Drain in compliance with City design and provide an Agreement to maintain ditch within the property or adjacent property.
5. Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to the following:
  - a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of subject property, to be used as a frontage road;
  - b) Petitioner shall construct, and maintain, such frontage road to applicable City standards;

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

- e) Any driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department;
- d) Any obstructions, including sight, to the frontage road shall be removed at the owners expense.

6. Petitioner has volunteered the restriction of use to an auto dealership and associated accessory uses. Such restriction should be put in recordable form and approved by the staff's attorney prior to recording.

7. Use of the portion of the property to the south of the perfected south property line, may be subject to a BZA request to allow vehicle parking. We should suggest that the BZA require a 30 foot wide landscape buffer, to be approved by the Landscape Architect, around the perimeter of the parcel, and that a portion of the property that would align with Edenton Drive be dedicated for a future street right-of-way, thereby anticipating future residential development to the south and west.

All ordinances which are given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioners or others to satisfy the conditions required by the City Plan Commission.

In the event the said conditions are not satisfied within six (6) months from the date of the Plan Commission's decision to recommend "DO PASS" with conditions the petition will be returned to the City Plan Commission for its reconsideration and recommendation of DO NOT PASS to the City Council, if the Plan Commission determines at that time that such recommendation is proper under the circumstances existing at that time.

If there are any questions, please contact this office at 427-1140.

Sincerely yours,

*Gary F. Baeten*  
Gary F. Baeten  
Planner III

WEO/GFB/ff

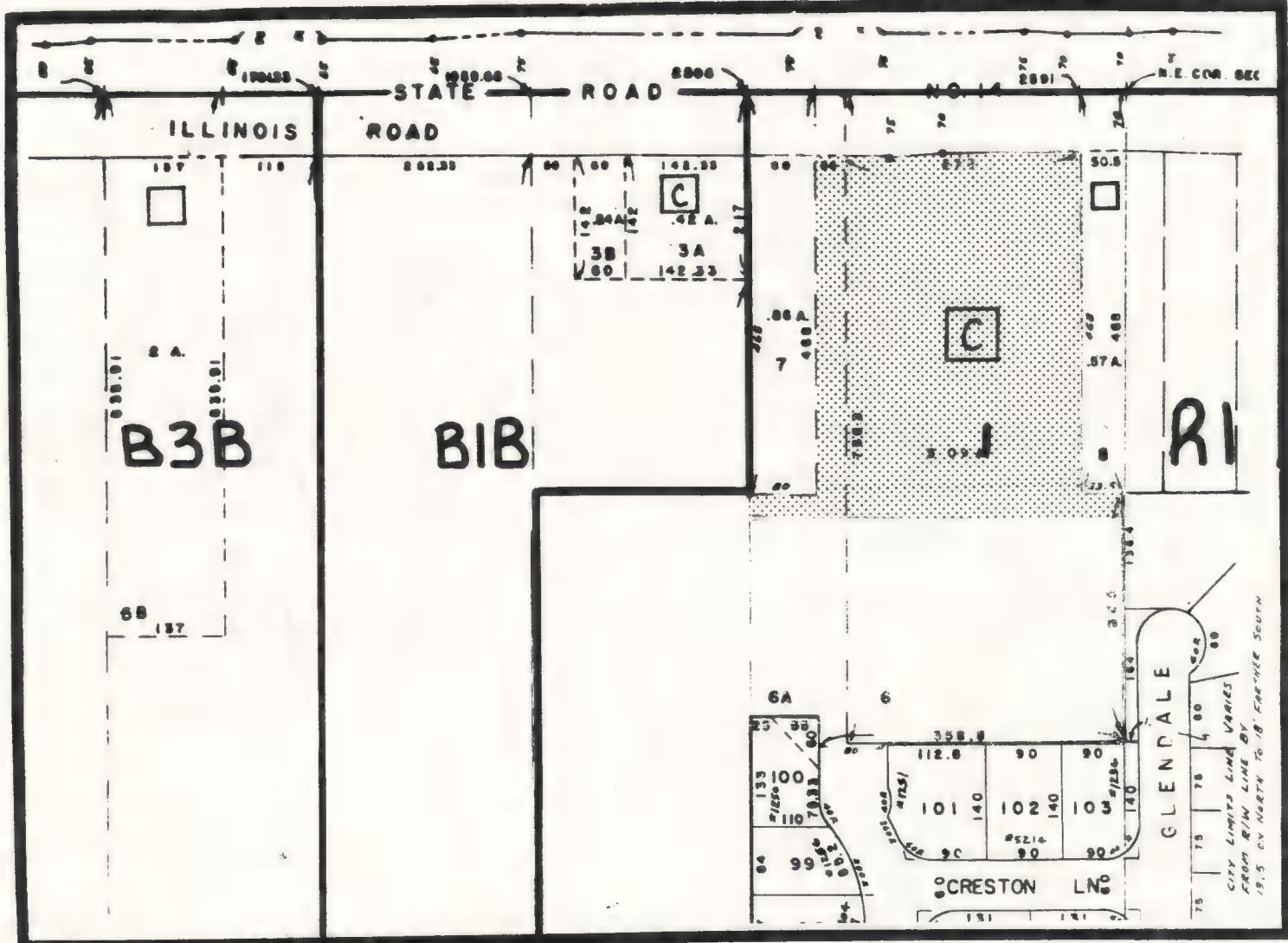
cc: File (2)

**REZONING PETITION**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



**ZONING:**

R1 RESIDENTIAL DISTRICT  
BIB LIMITED BUSINESS 'B'  
B3B GENERAL BUSINESS 'B'

**LAND USE:**

SINGLE FAMILY  
 COMMERCIAL

SCALE: 1"=200'

36

DATE: 1-29-87



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-02-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 23, 1987.

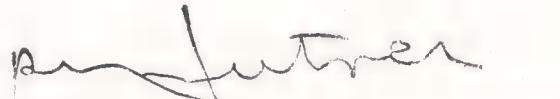
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 2, 1987.

Certified and signed this  
23rd day of March 1987.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

Change of Zone # 250

Gary Trent, agent for Ewing-Adams, Inc., requests a change of zone from R-1 to B-3-B.

Location: 5300 Block Illinois Road

Legal Desc.: See File

Land Area: Approximately 5.2 Acres

Surroundings: North County  
South R-1 Single Family Residential  
East B-1-B Commercial  
West R-1/B-1-B Commercial

Reason for Request: Auto Dealership

Neighborhood Assoc.: Reckweg Road Association

Neighborhood Planning: No Comment

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.

Planning Staff Discussion:

This area of Illinois Road has been the sight of recent developmental interest. The Plan Commission has developed certain policies regarding rezoning in this area. One of these policies as been for a gradual transition from lower intensity classifications to higher, as we approach Getz Road. The Commission has recently heard petitions on parcels on either side of this petition. Both of those parcels have requested B-3-B designations, but were perfected to B-1-B by the Commission.

In keeping with the Plan Commissions policies and recommendations for this area, we would again suggest that the petition be perfected to B-1-B. However, the petitioner has volunteered to restrict usage to an auto dealership, including associated accessory uses. After discussion with staff, that appears to be an acceptable alternative, with some modification to the size of the petitioned property. The frontage road concept should also be applicable.

Change of Zone # 250  
5300 Block Illinois Road

Recommendation: Conditionally Approve, contingent upon the following:

Recommendation:

1. This rezoning petition not exceed a depth of 498 feet from the centerline of Illinois Road. (A revised legal description will be required.)
2. Provide a 30 foot landscape screen along those lot lines that abut residential districts, excluding the south line of the perfected petition, as the parcel south of the south line will be used for vehicle parking, subject to BZA approvals.
3. The landscape screen shall be approved by CD&P prior to issuance of building permit. Such landscape screen must be implemented within one planting season after the issuance of the occupancy permit.
4. Improve Lawrence Drain in compliance with City design and provide an Agreement to maintain the ditch within the property or adjacent to the property.
5. Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to the following:
  - a) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of subject property, to be used as a frontage road;
  - b) Petitioner shall construct, and maintain, such frontage road to applicable City standards;
  - c) Any driveways shall be subject to review and closure ,by the owner, at the discretion of the Traffic Engineering Dept.;
  - d) Any obstructions ,including sight, to the frontage road shall be removed at the owners expense.
6. Petitioner has volunteered the restriction of use to an auto dealership and associated accessory uses. Such restriction should be put in recordable form and approved by the staff's attorney prior to recording.
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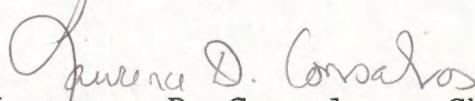
MARK GIAQUINTA  
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of  
Public Safety Regulatory Resolution Numbers: 41/87/E  
42/87/E

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolutions a matter of record and  
incorporate them into the minutes of the next Common Council  
Meeting.

Respectfully Submitted,

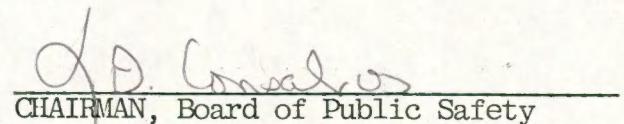
  
Lawrence D. Consalvos, Chairman  
Board of Public Safety

R E T U R N C E R T I F I C A T E

41/87/E

(Regulatory Resolution No. 42/87 /E)

I hereby certify that I did this 30th day of  
March, 1987 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, the City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana respectively, a copy of the within  
41/87/E  
Regulatory Resolution No. 42/87 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Chairman of said Board, in accordance with the provisions  
of Section 17-4 of Chapter 17, of the Code of the City of  
Fort Wayne, Indiana 1986.

  
\_\_\_\_\_  
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 41/87 /E

(Adopted March 23, 19 87)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 16/87/E: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 23, 19 87, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

March 23, 19 87, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION

(EMERGENCY)

Florence Avenue -- stop -- for Cortland Avenue

Short Street -- stop -- for Florence Avenue

Florence Avenue -- stop -- for Hensch Street

REGULATORY RESOLUTION NO. 42/87 /E

(Adopted March 27, 1987 )

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the  
Temporary Experimental Regulation hereinafter ordered, with  
regard to RENEW & EXTEND REG. RES. 18/87/E: DELETE:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 27, 1987, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

March 27, 1987, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

### **DELETE :**

**IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)**

2010 Fox Avenue -- west side -- from 80' south of Taylor Street to 20' south thereof